

OCT 10 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN CLAVEL OSORIO; et al.,

Petitioners,

v.

PETER D. KEISLER,** Acting Attorney
General,

Respondent.

No. 07-71769

Agency Nos. A96-054-860
A96-054-861
A96-054-862

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 1, 2007***

Before: B. FLETCHER, BERZON and IKUTA, Circuit Judges.

This is a petition for review of the Board of Immigration Appeal's ("BIA")
order denying petitioners' motion to reopen their removal proceedings.

* This disposition is not appropriate for publication and is not
precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R.
Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R.
App. P. 43(c)(2).

*** This panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

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The motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

The BIA properly construed petitioners' most recent motion before the BIA as a motion to reconsider because the motion did not include any new evidence to support reopening. *See* 8 C.F.R. § 1003.2(c)(1). As such, the BIA did not abuse its discretion when it denied petitioners' motion as barred by the regulatory numerical limitations. *See* 8 C.F.R. § 1003.2(b)(2); *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004), *amended by* 404 F.3d 1105 (9th Cir. 2005) (holding that BIA denials of motions to reopen or reconsider are reviewed for abuse of discretion).

Accordingly, respondent's unopposed motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). This petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.